

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTOS KYRTSOS

MAILED

Appeal No. 2004-0732
Application No. 09/628,396

MAR 30 2004

ON BRIEF

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before COHEN, STAAB, and BARRETT, Administrative Patent Judges.
COHEN, Administrative Patent Judge.

ON REMAND TO THE EXAMINER

Regrettably, we must remand this application to the examiner prior to a decision on the merits of the rejections of appellant's claims 1 through 20, for the reasons articulated below.

In narrative form, and without any specific reference whatsoever to any of the 35 columns of text disclosure and 68 figures of drawings of the Zhang reference (U.S. Patent No. 5,955,854), the examiner, in effect, merely states the conclusion

that independent claims 1, 10, and 14, in particular, are anticipated by the Zhang document (answer, page 3). Where are the findings of fact and technical reasoning relative to the applied Zhang document, with specific reference to column(s), line(s) and drawing figure(s), to support the stated conclusion of anticipation?¹ Under the circumstances of this case, the findings of fact and technical reasoning are critical since appellant disputes the examiner's conclusion of anticipation by arguing that Zhang does not disclose constructing a map signature having a first graphical shape, as recited in each independent claim (main brief, page 5).

We remand this application to the examiner to obtain the findings of fact and technical reasoning, with specific reference to column(s), line(s) and drawing figure(s) of the Zhang patent,

¹ It appears that the Zhang teaching (column 13, lines 10 through 38) may have relevance to the viewpoint of the examiner. However, the examiner's technical assessment of the Zhang reference, from the perspective of one skilled in the art, is needed to ascertain whether the noted teaching of the reference connotes constructing a map signature having a first graphical shape, as now claimed. Additionally, the examiner should indicate whether one skilled in the art would comprehend appellant's graphical representation of a mapped signal in Figure 3 of the application as reflecting window position (over a period of time).

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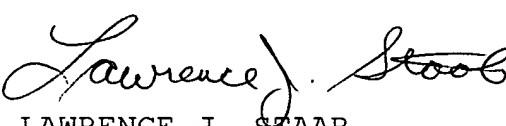
as addressed above. Appellant should be given the opportunity to respond to the examiner's response to the remand.

This application, by virtue of its "special" status, requires immediate action, see MPEP § 708.01 (Eighth Edition, August 2001). Further, it is important that the Board of Patent Appeals and Interferences be promptly informed of any action affecting the appeal in this case.

REMAND


IRWIN CHARLES COHEN
Administrative Patent Judge

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BOARD OF PATENT
APPEALS
AND
INTERFERENCES


LAWRENCE J. STAAB
Administrative Patent Judge

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BOARD OF PATENT
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LEE. E. BARRETT
Administrative Patent Judge

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Carlson, Gaskey & Olds, P.C.
400 West Maple Road
Suite 350
Birmingham, MI 48009